



General Assembly

January Session, 2011

***Raised Bill No. 6464***

LCO No. 3838

\* \_\_\_\_HB06464HSG\_\_031011\_\_\_\_\*

Referred to Committee on Housing

Introduced by:  
(HSG)

***AN ACT CONCERNING THE POSSESSIONS OF EVICTED TENANTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-42 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Whenever a judgment is entered against a defendant pursuant to  
4 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of  
5 possession or occupancy of residential property, such defendant and  
6 any other occupant bound by the judgment by subsection (a) of section  
7 47a-26h shall forthwith remove himself or herself, such defendant's or  
8 occupant's possessions and all personal effects unless execution has  
9 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If  
10 execution has been stayed, such defendant or occupant shall forthwith  
11 remove himself or herself, such defendant's or occupant's possessions  
12 and all personal effects upon the expiration of any stay of execution. If  
13 the defendant or occupant has not so removed himself or herself upon  
14 entry of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or  
15 47a-26d, and upon expiration of any stay of execution, the plaintiff  
16 may obtain an execution upon such summary process judgment, and  
17 the defendant or other occupant bound by the judgment by subsection

18 (a) of section 47a-26h and the possessions and personal effects of such  
19 defendant or other occupant may be removed by a state marshal,  
20 pursuant to such execution, and delivered to the place of storage  
21 designated by the chief executive officer for such purposes.

22 (b) Before any such removal, the state marshal charged with  
23 executing upon any such judgment of eviction shall give the chief  
24 executive officer of the town twenty-four hours notice of the eviction,  
25 stating the date, time and location of such eviction as well as a general  
26 description, if known, of the types and amount of property to be  
27 removed from the premises and delivered to the designated place of  
28 storage. Before giving such notice to the chief executive officer of the  
29 town, the state marshal shall use reasonable efforts to locate and notify  
30 the defendant of the date and time such eviction is to take place and of  
31 the possibility of a sale pursuant to subsection (c) of this section. Such  
32 notice shall include service upon each defendant and upon any other  
33 person in occupancy, either personally or at the premises, of a true  
34 copy of the summary process execution. Such execution shall be on a  
35 form prescribed by the Judicial Department, shall be in clear and  
36 simple language and in readable format, and shall contain, in addition  
37 to other notices given to the defendant in the execution, a conspicuous  
38 notice, in large boldface type, that a person who claims to have a right  
39 to continue to occupy the premises should immediately contact an  
40 attorney, and clear instructions as to how and where the defendant  
41 may reclaim any possessions and personal effects removed and stored  
42 pursuant to this section, including a telephone number that may be  
43 called to arrange release of such possessions and personal effects.

44 (c) Whenever the possessions and personal effects of a defendant  
45 are removed by a state marshal under this section, such possessions  
46 and effects shall be delivered by such marshal to the designated place  
47 of storage. Such removal, delivery and storage shall be at the expense  
48 of the defendant and the plaintiff shall provide the chief executive  
49 officer with copies of any receipts associated with the cost of such  
50 removal and delivery. If such possessions and effects are not reclaimed

51 by the defendant and the expense of such storage is not paid to the  
 52 chief executive officer within fifteen days after such eviction, the chief  
 53 executive officer shall sell the same at public auction, after using  
 54 reasonable efforts to locate and notify the defendant of such sale and  
 55 after posting notice of such sale for one week on the public signpost  
 56 nearest to the place where the eviction was made, if any, or at some  
 57 exterior place near the office of the town clerk. The chief executive  
 58 officer shall deliver to the defendant the net proceeds of such sale, if  
 59 any, after first deducting a reasonable charge for storage of such  
 60 possessions and effects and then reimbursing the plaintiff for the cost  
 61 of removal and delivery of such possessions and effects based on the  
 62 provided receipts. If the defendant does not demand the net proceeds  
 63 within thirty days after such sale, the chief executive officer shall turn  
 64 over the net proceeds of the sale to the town treasury.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	47a-42

***HSG***      *Joint Favorable*